IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 603 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
SEPTEMBER 26, 2006.

Heard Shri Bargat, learned counsel for the petitioner and Shri Lambat, learned counsel for the respondents.

The challenge in this petition filed in the year 2006 is to the order dated 28.1.1998 passed by the 9th Additional District Judge, Nagpur, refusing to condone delay. The petitioner filed Misc. Civil Application before that Court and sought condonation of delay in preferring appeal under Section 5 of Public Premises (Eviction of Unauthorized Occupant) Act, 1971. The order challenged was dated 27.12.1993.

It is to be noted that the petitioner had earlier filed Writ Petition No. 3467 of 1993 and in it he had questioned the alleged enhancement of payment of licence fees by

the respondents. The said petition has been disposed of by this Court in the year 1996 permitting the petitioner to pursue the alternate remedy.

The petitioner has contended that he was not aware of the orders dated 27.12.1993 and he got knowledge of those orders for the first time on 18.8.1996. This contention is considered by the lower appellate Court and it has found that in writ petition itself there was a prayer for restraining the respondents from evicting him. It has therefore refused to accept the story and has not condoned the delay. This order was then challenged in Civil Revision Application No. 199 of 1998 and the Civil Revision Application was dismissed in default on 17.11.2005 when it was found that nobody was appearing for revision applicant and it was also noticed that revision was not maintainable. After that dismissal of Civil Revision Application, the present writ petition has been filed.

The respondents have pointed out that they have to recover amount of Rs. 7,39,793/- from the present petitioner. It is,

therefore, apparent that there is no jurisdictional error or perversity in the order passed by lower appellate Court.

In the circumstances, no case is made out for interference. Writ Petition is accordingly dismissed. No costs.

JUDGE

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